

#5/A

11/21/01  
1130 U.S. PTO

Patent  
Attorney's Docket No. 032775-090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
**REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

10/4/02/137  
101698160  
5 11 69 89 1

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/569,865 filed on May 12, 2000, for REOVIRUS FOR THE TREATMENT OF NEOPLASIA, by the following named inventor(s):

- (a) Full Name Patrick W.K. Lee
- (b) Full Name James Strong
- (c) Full Name Matthew C. Coffey

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

☒ Applicant(s) suggests Figure 1 for inclusion on the front page of the patent



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09939101-112101

application publication and/or patent.

1. ☒ Enclosed is a copy of the prior Application No. 08/911,383 as originally filed on August 13, 1997, which is the parent of Application No. 09/569,865 filed on May 12, 2000, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☐ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	35	MINUS 20 =	15	× \$18.00 (103) =	270.00
Independent Claims	2	MINUS 3 =	0	× \$84.00 (102) =	0
If multiple dependent claims are presented, add \$280.00 (104)					0
Total Application Fee					1,010.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$1,010.00</b>

5. ☒ This application is being filed without the fees. Applicants expect the Office to issue a Notice to File Missing Parts for this application.
6. ☐ Cancel in this application original claims \_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☐ New drawings are enclosed.
8. ☐ Priority of Application No. \_ filed on \_ in \_ (country) is claimed under 35 U.S.C. § 119.



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- ☐ The certified copy of the priority application  
☐ is enclosed.  
☐ was filed on \_ in prior Application No. \_, filed on \_, and acknowledged by  
the Examiner on \_ in Paper No. \_.  
☐ has not yet been filed.

9. ☒ Please amend the specification by inserting before the first line the sentence:

☒ --This application is a ☒ continuation ☐ divisional of Application No.  
09/569,865, filed on May 12, 2000 which is a continuation of Application No.  
08/911,383 filed on August 13, 1997.--.

☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_\_,  
filed on \_\_, which was a national stage filing under 35 U.S.C. § 371 of  
International Application No. \_ filed on \_\_, which International Application  
☐ was ☐ was not published by the International Bureau in English on \_\_.--.

☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_\_,  
filed on \_\_, which was a continuation of International Application No. \_\_, filed on \_\_,  
which International Application ☐ was ☐ was not published by the  
International Bureau in English on \_\_.--.

10. ☐ A preliminary amendment is enclosed.  
11. ☒ An Information Disclosure Statement is enclosed.  
12. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is  
enclosed.  
13. ☒ Also enclosed 2 postcards.  
14. ☒ The power of attorney in the prior application is to Leslie A. Mooi, Reg. No. 37,047;  
Gerald F. Swiss, Reg. No. 30,113; Leslie J. Boley, Reg. No. 41,490; and Mary Ann  
Dillahunt, Reg. No. 34,576.  
a. ☒ The power appears in the original papers in the prior application.  
b. ☐ Since the power does not appear in the original papers, a copy of the power  
in the prior application is enclosed.  
c. ☐ Recognize as Associate Attorney \_.



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- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Gerald F. Swiss  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: November 20, 2001

By: Mary Ann Dillahunty  
Mary Ann Dillahunty  
Registration No. 34,576

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(650) 622-2300

☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)

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